

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2515 - SB 2731

February 25, 2020

SUMMARY OF ORIGINAL BILL: Creates 18 assistant district attorney positions, 7 district attorney (DA) legal secretary positions, 2 DA victim-witness coordinator positions, and 2 DA criminal investigator positions for designation in identified judicial districts. Creates 7 assistant district public defender positions, 17 public defender (PD) legal secretary positions, and 9 PD social worker positions for designation in identified judicial districts. Outlines the process for approval and placement of such positions.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$4,012,000/FY20-21

Exceeds \$4,472,300/FY21-22 and Subsequent Years

SUMMARY OF AMENDMENT (015314): Deletes and replaces all language after the enacting clause. Creates 15 assistant district attorney positions, 3 district attorney (DA) legal secretary positions, 2 DA criminal investigator positions, and 18 alternative sentencing coordinator positions for designation in identified judicial districts. Creates 4 assistant district public defender positions and 11 public defender (PD) legal secretary positions for designation in identified judicial districts. Outlines the process for approval and placement of such positions.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$3,455,100/FY20-21

Exceeds \$3,853,800/FY21-22 and Subsequent Years

Assumptions for the bill as amended:

- The proposed legislation creates such positions effective July 1, 2020, and requires the executive director of the Tennessee District Attorneys General Conference (TNDAGC) and the executive director of the Tennessee District Public Defenders Conference (TDPDC) to prepare reports in consultation with the Comptroller of the Treasury (COT) containing the directors' recommendations as to the specific judicial districts in which the created positions should be designated.

- The proposed legislation requires the directors of the TNDAGC and TDPDC to file such reports by September 1, 2020, with the Speaker of the Senate, the Speaker of the House of Representatives, and the Chairs of the Judiciary Committees of the House of Representatives and the Senate and authorizes the identified judicial districts to interview and employ individuals to fill the created positions upon the filing of the reports.
- This analysis assumes such reports will be filed on September 1, 2020.
- The proposed legislation authorizes the hiring of such positions by September 1, 2020, which is approximately 83.33 percent of FY20-21. As such, this analysis estimates 83.33 percent of the fiscal year impact will occur in FY20-21 and 100 percent will occur in FY21-22 and subsequent years.
- Pursuant to Tenn. Code Ann. § 8-7-226 and § 8-14-107, assistant district attorneys and assistant public defenders receive step raises outlined in statute; therefore, this analysis estimates the impact of hiring such positions in FY20-21 and estimates the impact of any subsequent year to exceed the impact of FY20-21.
- Any impact to the COT resulting from consultation with the TNDAGC and the TDPDC such reports is estimated to be not significant.
- The proposed legislation creates 15 assistant district attorney and 4 assistant public defender positions.
- The recurring salary and benefits for each of the 19 (15 + 4) positions is estimated to be \$81,793 (\$64,512 salary + \$ 17,281 benefits).
- Additionally, each of these positions will require recurring funding for travel, supplies, legal subscriptions, rent, etc. estimated to be \$13,500 per position.
- The proposed legislation creates 3 DA legal secretary positions and 11 PD legal secretary positions.
- The recurring salary and benefits for each of the 14 (3 + 11) positions is estimated to be \$42,878 (\$31,140 salary + \$ 11,738 benefits).
- Additionally, each of these positions will require recurring funding for travel, supplies, legal subscriptions, rent, etc. estimated to be \$10,600 per position.
- The proposed legislation creates two DA criminal investigator positions.
- The recurring salary and benefits for each of the two positions is estimated to be \$47,034 (\$34,704 salary + \$12,330 benefits).
- Additionally, each of these positions will require recurring funding for travel, supplies, legal subscriptions, rent, etc. estimated to be \$10,300 per position.
- The proposed legislation creates 18 DA alternative sentencing coordinator positions.
- The recurring salary and benefits for each of the positions is estimated to be \$56,046 (\$42,432 salary + \$13,614 benefits).
- Additionally, each of these positions will require recurring funding for travel, supplies, legal subscriptions, rent, etc. estimated to be \$9,500 per position.
- The one-time increase in state expenditures in FY20-21 associated with the 53 positions is \$243,800 [\$4,600 computer and office set up x (19 + 14 + 2 + 18)].
- The total one-time increase in state expenditures in FY20-21 resulting from the proposed legislation is estimated to be \$3,455,134 [((\$81,793 + \$13,500) x 19) + ((\$42,878 + \$10,600) x 14) + ((\$47,034 + \$10,300) x 2) + ((\$56,046 + \$9,500) x 18)] x 83.33% + \$243,800].

- The total recurring increase in state expenditures in FY21-22 and subsequent fiscal years resulting from the proposed legislation is estimated to exceed \$3,853,755 $\{[(\$81,793 + \$13,500) \times 19] + [(\$42,878 + \$10,600) \times 14] + [(\$47,034 + \$10,300) \times 2] + [(\$56,046 + \$9,500) \times 18]\}$.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj